

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JIM CAGE,

Plaintiff,

v.

A. JOHNSON, et al.,

Defendants.

Case No.: 1:22-cv-01429-CDB (PC)

**ORDER GRANTING DEFENDANT’S  
MOTION TO EXTEND THE DEADLINE  
FOR THE FILING OF A DISPOSITIVE  
MOTION**

(Doc. 35)

Plaintiff Jim Cage is proceeding pro se and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff’s Eighth Amendment excessive force claim against Defendant Rojas.

**I. INTRODUCTION**

The Court issued its Discovery and Scheduling Order on January 25, 2024. (Doc. 26.) Relevant here, the deadline for the filing of any dispositive motion was set for December 5, 2024. (*Id.*)

On December 2, 2024, Defendant filed an “Ex Parte Motion for Extension of Time to File Motion for Dispositive Motion.” (Doc. 35.) Defendant seeks a 21-day extension of the dispositive motion filing deadline. (*Id.*)

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## II. DISCUSSION

Pursuant to Rule 16(b) of the Federal Rules of Civil Procedure, a scheduling order “may be modified only for good cause and with the judge's consent.” Fed. R. Civ. P. 16(b)(4). This good cause standard “primarily considers the diligence of the party seeking the amendment.” *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992). The court may modify the scheduling order “if it cannot reasonably be met despite the diligence of the party seeking the extension.” *Id.* If the party was not diligent, the inquiry should end. *Id.*

Here, defense counsel Isha Vazirani attests that the litigation coordinator at California State Prison-Corcoran was contacted on November 26, 2024, concerning Vazirani’s request for assistance with scheduling meetings with employee witnesses and to discuss and finalize declarations in support of a motion for summary judgment on the merits of Plaintiff’s claims. (Doc. 35 at 3, ¶ 2.) Vazirani declares that as of December 2, 2024, and despite “following up,” there has been no response from the litigation coordinator. (*Id.*) Defense counsel notes that in light of the recent holiday it is likely “many staff members have been away from work and thus difficult to reach.” (*Id.*) Vazirani declares the witness declarations are essential to support the summary judgment motion and to provide important context concerning the issues. (*Id.*, ¶ 4.) Counsel states this is Defendant’s first request for an extension of time, and it is not made for the purpose of harassment, undue delay, or any other improper purpose. (*Id.*, ¶¶ 3, 4.)

## III. CONCLUSION AND ORDER

Accordingly, and for good cause shown, **IT IS HEREBY ORDERED** that:

1. Defendant’s request for a 21-day extension of time within which to file a motion for summary judgment (Doc. 35) is **GRANTED**;
2. The deadline for filing a dispositive motion is **extended** from December 5, 2024, to **December 26, 2024**.

IT IS SO ORDERED.

Dated: **December 3, 2024**

  
UNITED STATES MAGISTRATE JUDGE